

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT 7199  
GRANT ROAD, ARPIN, WOOD COUNTY,  
WISCONSIN, WITH ALL APPURTENANCES  
AND IMPROVEMENTS THEREON,

Defendant.

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ORDER

05-cv-731-bbc

On August 1, 2008, I granted plaintiff's motion for summary judgment and ordered that the defendant property was properly forfeited to plaintiff for disposal in accordance with federal law. Judgment was initially entered on August 7, 2008 and then stayed until August 14, 2008 in order to appoint new counsel for claimant Allen Oleson. On August 11, 2008, claimant Oleson filed a notice of appeal from that judgment.<sup>1</sup>

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<sup>1</sup>In his notice of appeal, claimant Oleson also states he appeals from an order for interlocutory sale of defendant property entered August 7, 2008. However, this court did not file an order for interlocutory sale at that time, so I will disregard the premature notice of appeal on that issue.

Claimant's notice of appeal states "I am assuming that the filing fee of \$455.00 will be waived based upon the financial affidavit on file," so I will treat the notice of appeal as including a motion for leave to proceed on appeal in forma pauperis. In an order dated August 15, 2006, I determined that claimant was indigent. Fed. R. App. P. 24 states that a party who has been permitted to proceed in forma pauperis in the district court action may proceed on appeal in forma pauperis without further authorization unless the district court certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. I do not intend to certify that claimant's appeal is not taken in good faith or find that claimant is not otherwise entitled to proceed on appeal in forma pauperis.

#### ORDER

IT IS ORDERED that claimant's notice of appeal is construed as including a motion for leave to proceed in forma pauperis on appeal. He is entitled to proceed without further authorization from this court. I do not intend to certify that his appeal is not taken

in good faith or that he is not otherwise entitled to proceed in forma pauperis.

Entered this 1<sup>st</sup> day of October, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge